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PART-I

Notifications, Orders and Declarations by Haryana Government

STATE ELECTION COMMISSION, HARYANA

NIRVACHAN SADAN, PLOT NO. 2, SECTOR 17, PANCHKULA

Order

The 18th January, 2018

No.SEC/3ME/2018/319.—

Subject :- Disqualification of Smt. Nirmala Sharma, contesting candidate from Ward No. 20 of Municipal Corporation, Yamuna Nagar.

The General Election of Municipal Corporation Yamuna Nagar was held on 02.06.2013 and the result of the elected candidates was declared on 04.06.2013.

2. Section 8B of the Haryana Municipal Corporation Act, 1994, provides that every candidate at an election shall, either himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his election agent from the date of filing of nomination papers to the date of declaration of the result thereof, both dates inclusive. The account shall contain such particulars, as may be notified by the State Election Commission in this behalf. The total of the said expenditure shall not exceed such amount as may be notified by the State Election Commission from time to time.

3. Section 8D of the Haryana Municipal Corporation Act, 1994 read with Section 10 A of the Representation of People Act, 1951 further provides that if the Election Commission is satisfied that a person –

- (a) has failed to lodge an account of election expenses, within the time and in the manner required by or under this Act, and
- (b) has no good reason or justification for the failure

the Election Commission shall, by order published in the Official Gazettee, declare him to be disqualified and any such person shall be disqualified for a period of three years from the date of the order.

4. In pursuance of the above provisions, the State Election Commission, Haryana *vide* its notification No. SEC/4ME/2013/2320, dated 02.05.2013 in exercise of powers vested under clause (i) Article 243 ZA of the Constitution of India, sub-section 3 of Section 8B of the Haryana Municipal Corporation Act, 1994 had prescribed the limit of expenditure of Rs.1,75,000/- that may be incurred by the contesting candidate or her authorized agent in connection with election of Municipal Corporation, Yamuna Nagar and account of election expenses shall be filed/lodged with the Deputy Commissioner or any other officer prescribed by the Commission within 30 days from the date of declaration of the result of election.

5. The State Election Commissioner, Haryana in exercise of powers contained under Section 9 (1A) of the Haryana Municipal Corporation Act, 1994 authorized Secretary, State Election Commission, Haryana *vide* order No.SEC/1ME/2017/2017, dated 01.12.2017 to decide the cases of disqualification of the candidates, who failed to lodge their account of election expenses.

6. As reported by the Deputy Commissioner, Yamuna Nagar, the above mentioned candidate had contested the election from Ward No.20 of Municipal Corporation Yamuna Nagar but failed to submit her election expenditure account within the prescribed time or thereafter. The Commission had served a show cause notice upon her to explain as to why she should not be disqualified on account of non submission of election expenditure account within the period. She neither submitted his election expenditure statement nor responded to the show cause notice. I, had given her personal hearing on 04.01.2018 in the Canal Rest House, Yamuna Nagar. Sh. Sushil Kumar, SAO of the Municipal Coporation, Yamuna Nagar, represented the Deputy Commissioner Yamuna Nagar. The above said candidate did not appear for personal hearing and her husband submitted the following:-

“She had spent Rs.15,000/- but she had no knowledge regarding submission of election expenditure register.”

7. After personal hearing, the order was announced.

8. On perusal of record of the case and after hearing of the candidate, I am satisfied that the above said candidate has failed to lodge an account of election expenditure, within the time and in the manner required by or under this Act. Moreover, above said candidate has submitted no good reason or justification for her failure to submit election expenditure account. Hence, she deserves to be disqualified. I, P. K. Sharma, Secretary, State Election Commission, Haryana, under Section 8D of the Haryana Municipal Corporation Act, 1994 read with Section 10 A of the Representation of People Act, 1951 hereby order that **Smt. Nirmala Sharma** be disqualified for being chosen as, and for being a member of Municipality for a period of three years from the date of this order.

9. The office is directed to send a copy of this order to the candidate concerned through Deputy Commissioner, Yamuna Nagar immediately.

Panchkula:
The 18th January, 2018.

P. K. SHARMA,
Secretary,
State Election Commissioner, Haryana.